

Notice of Allowability

Application No.

10/717,121

Examiner

Christopher Verdier

Applicant(s)

MESSIH ET AL.

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ The drawings filed on 19 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification:

In paragraph 14, page 3, line 19, "32" has been changed to -- 36 --.

In the Claims:

In claim 1, line 6, "retainer" has been changed to -- retention --.

The above changes to the specification and claim have been made to correct obvious errors.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The instant application is directed towards an unobvious improvement over the invention patented in U.S. Patent 4,750,457 to Bonutti. U.S. Patent 4,750,457 discloses a sheet metal cup plug 10 with a generally radial closure portion bordered by an axial flange, with the flange press fitted into an

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opening of an automobile engine, or a nipple opening of a water pump, and sealing adhesive between the axial flange and an inner retention surface of the automobile engine, or of the nipple opening of the water pump. The improvement comprises the combination of the sheet metal plug being located in an engine water pump having a housing with an impeller assembly opening with an axial inner retention surface, such that the sheet metal axial flange is press fitted into the inner retention surface of the pump housing, and sealing adhesive between the axial flange and the inner retention surface, and the method of assembly thereof. U.S. Patent 2,521,638 to Lamm discloses a sheet metal closure member 32 for bearings whereby the closure member is clamped by screws 33 to an impeller opening in a fan housing 23. However, the closure member 32 is not press fitted into the housing and is not attached by adhesive to the impeller opening. U.S. Patent 2,364,168 to Shallenberg discloses closure members 30, 35 for a pump housing 10, 62, with the closure members being clamped together with the housing by bolts 81 to an impeller opening in the pump housing. However, the closure members are not sheet metal and are not press fitted into the housing, and are not attached by adhesive to the impeller opening. Lamm and Shallenberg teach against the improvement. There is no reason nor motivation to attempt to combine Bonutti with either Lamm or Shallenberg, because both Lamm and Shallenberg teach against the improvement, in that the closure members are not press fitted into the housing and are not attached by adhesive to the impeller opening, but rather are attached via bolting.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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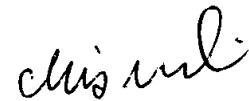
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (703)-308-2638. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.
November 14, 2004



Christopher Verdier
Primary Examiner
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